UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/89
29 March 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 81 of the preliminary list*

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 22 March 1996 from the Permanent Representatives of Azerbaijan and Georgia to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of the Declaration on Peace, Security and Cooperation in the Caucasus Region signed by the President of Georgia, H.E. Mr. Eduard Shevardnadze and the President of Azerbaijan, H.E. Mr. Heydar Aliyev, at Tbilisi on 8 March 1996.

We should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under item 81 of the preliminary list, and of the Security Council.

(Signed) Eldar G. KOULIEV
Permanent Representative
of Azerbaijan to the
United Nations

(Signed) Peter P. CHKHEIDZE
Permanent Representative
of Georgia to the
United Nations

* A/51/50.

96-07669 (E) 010496 010496 020496

/...

ANNEX

[Original: Russian]

Declaration on Peace, Security and Cooperation in the Caucasus Region, signed by the President of Georgia and the President of Azerbaijan at Tbilisi on 8 March 1996

The last decade of the twentieth century has been marked by fundamental changes in international relations. Historic steps have resulted in a major shift from the state of cold war to the wide-ranging affirmation of the principles of democracy and the recognition that there is no alternative to cooperation in the interests of universal peace and international security.

The legacy of a totalitarian regime has transformed the region into an arena of bitter confrontation and aggressive separatism and nationalism, which have led to armed conflicts. The death of innocent people, ethnic cleansing, the transformation of hundreds of thousands of citizens into refugees in their native land, the widespread destruction of valuables and property, and economic paralysis are the onerous consequences of these conflicts. Such destabilization contains a dangerous destructive force. Further escalation may lead to a large-scale catastrophe.

At the same time, the traditions of tolerance and mutual assistance are strong in the Caucasus. For centuries, in times of misfortune, people were always prepared to help each other, regardless of ethnic or religious differences.

From the point of view of natural and human resources, the Caucasus is one of the richest regions of the world. The normalization of the political situation, the restoration of mutual trust and the creation of viable mechanisms for ensuring lasting peace, stability and security are essential if these riches are to be used with maximum effectiveness for the benefit of all the peoples and all inhabitants of our region, and the advantageous transport and geographical conditions are to be fully exploited.

The States Parties to this Declaration, expressing their firm commitment to the purposes and principles of the United Nations and the Organization for Security and Cooperation in Europe, desiring to preserve and strengthen the traditionally close and friendly ties and good-neighbourly relations in the region, declare that they shall build their mutual relations on the basis of:

Commitment to the common goals of strengthening peace, stability and security in the region;

The inviolability of internationally recognized borders and the inadmissibility of any encroachments upon them;

Consistent observance of and respect for the principles of sovereignty, the rejection of the use of force or the threat of its use, and non-interference in each other's internal affairs;

Commitment to the peaceful settlement of all disputes and armed conflicts in the territory of the States of the region on the basis of the strict and unconditional observance of territorial integrity and the inviolability of State borders;

Commitment not to create or support separatist movements or separatist regimes, and rejection of the methods and practice of terrorism in all its forms and manifestations;

Recognition of the need to develop mutually advantageous and equitable bilateral and multilateral cooperation with the countries of the Commonwealth of Independent States, the Black Sea Economic Cooperation Region and the European Union;

Gradual strengthening of ties between the countries of the region and the vast area of cooperation in Europe and the step-by-step, consistent integration into an open international system, which is an essential condition for economic prosperity and the creation of a society based on justice and democracy.

The realization of these purposes and principles require the concerted efforts of all interested States and international organizations. In order to establish peace, stability, confidence and security in the region, it is necessary to:

1. Restore the sovereignty of States within their internationally recognized borders, ensure the territorial integrity of States, and guarantee the safe return of refugees to their homes;

2. Respect, at all times and everywhere, for human rights and fundamental freedoms, including the rights of ethnic minorities;

3. Cooperate in the development of transport and other communications and ensure their security;

4. Ensure all-round cooperation in the protection of the unique natural heritage of the Caucasus, eliminate man-made damage and the consequences of natural disasters and armed conflicts and develop international tourism;

5. Promote ethnic and religious tolerance, a careful and respectful attitude towards the cultural and linguistic diversity of the Caucasus, which is in this respect one of the richest areas in the world;

6. Actively support international projects and attract and encourage foreign investment.

The goals and objectives formulated in this Declaration can be achieved with the unconditional commitment of all States of the region to all the interrelated universal principles listed above.

This Declaration is open for signature by all interested States and international organizations that accept the provisions contained in it.

DONE at Tbilisi on 8 March 1996, in the Georgian, Azerbaijani and Russian languages, all three texts being equally authentic.

For Georgia:

(Signed) E. SHEVARDNADZE
President of Georgia

For the Azerbaijani Republic:

(Signed) H. ALIYEV
President of the Azerbaijani Republic

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/89*
S/1996/237
29 March 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 81 of the preliminary list**

SECURITY COUNCIL
Fifty-first year

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 22 March 1996 from the Permanent Representatives of Azerbaijan and Georgia to the United Nations addressed to the Secretary-General

We have the honour to transmit herewith the text of the Declaration on Peace, Security and Cooperation in the Caucasus Region signed by the President of Georgia, H.E. Mr. Eduard Shevardnadze and the President of Azerbaijan, H.E. Mr. Heydar Aliyev, at Tbilisi on 8 March 1996.

We should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under item 81 of the preliminary list, and of the Security Council.

(Signed) Eldar G. KOULIEV
Permanent Representative
of Azerbaijan to the
United Nations

(Signed) Peter P. CHKHEIDZE
Permanent Representative
of Georgia to the
United Nations

---

* Reissued for technical reasons.

** A/51/50.

96-08043 (E) 030496 040496

/...

ANNEX

[Original: Russian]

Declaration on Peace, Security and Cooperation in the Caucasus Region, signed by the President of Georgia and the President of Azerbaijan at Tbilisi on 8 March 1996

The last decade of the twentieth century has been marked by fundamental changes in international relations. Historic steps have resulted in a major shift from the state of cold war to the wide-ranging affirmation of the principles of democracy and the recognition that there is no alternative to cooperation in the interests of universal peace and international security.

The legacy of a totalitarian regime has transformed the region into an arena of bitter confrontation and aggressive separatism and nationalism, which have led to armed conflicts. The death of innocent people, ethnic cleansing, the transformation of hundreds of thousands of citizens into refugees in their native land, the widespread destruction of valuables and property, and economic paralysis are the onerous consequences of these conflicts. Such destabilization contains a dangerous destructive force. Further escalation may lead to a large-scale catastrophe.

At the same time, the traditions of tolerance and mutual assistance are strong in the Caucasus. For centuries, in times of misfortune, people were always prepared to help each other, regardless of ethnic or religious differences.

From the point of view of natural and human resources, the Caucasus is one of the richest regions of the world. The normalization of the political situation, the restoration of mutual trust and the creation of viable mechanisms for ensuring lasting peace, stability and security are essential if these riches are to be used with maximum effectiveness for the benefit of all the peoples and all inhabitants of our region, and the advantageous transport and geographical conditions are to be fully exploited.

The States Parties to this Declaration, expressing their firm commitment to the purposes and principles of the United Nations and the Organization for Security and Cooperation in Europe, desiring to preserve and strengthen the traditionally close and friendly ties and good-neighbourly relations in the region, declare that they shall build their mutual relations on the basis of:

Commitment to the common goals of strengthening peace, stability and security in the region;

The inviolability of internationally recognized borders and the inadmissibility of any encroachments upon them;

Consistent observance of and respect for the principles of sovereignty, the rejection of the use of force or the threat of its use, and non-interference in each other's internal affairs;

Commitment to the peaceful settlement of all disputes and armed conflicts in the territory of the States of the region on the basis of the strict and unconditional observance of territorial integrity and the inviolability of State borders;

Commitment not to create or support separatist movements or separatist regimes, and rejection of the methods and practice of terrorism in all its forms and manifestations;

Recognition of the need to develop mutually advantageous and equitable bilateral and multilateral cooperation with the countries of the Commonwealth of Independent States, the Black Sea Economic Cooperation Region and the European Union;

Gradual strengthening of ties between the countries of the region and the vast area of cooperation in Europe and the step-by-step, consistent integration into an open international system, which is an essential condition for economic prosperity and the creation of a society based on justice and democracy.

The realization of these purposes and principles require the concerted efforts of all interested States and international organizations. In order to establish peace, stability, confidence and security in the region, it is necessary to:

1. Restore the sovereignty of States within their internationally recognized borders, ensure the territorial integrity of States, and guarantee the safe return of refugees to their homes;

2. Respect, at all times and everywhere, for human rights and fundamental freedoms, including the rights of ethnic minorities;

3. Cooperate in the development of transport and other communications and ensure their security;

4. Ensure all-round cooperation in the protection of the unique natural heritage of the Caucasus, eliminate man-made damage and the consequences of natural disasters and armed conflicts and develop international tourism;

5. Promote ethnic and religious tolerance, a careful and respectful attitude towards the cultural and linguistic diversity of the Caucasus, which is in this respect one of the richest areas in the world;

6. Actively support international projects and attract and encourage foreign investment.

The goals and objectives formulated in this Declaration can be achieved with the unconditional commitment of all States of the region to all the interrelated universal principles listed above.

This Declaration is open for signature by all interested States and international organizations that accept the provisions contained in it.

DONE at Tbilisi on 8 March 1996, in the Georgian, Azerbaijani and Russian languages, all three texts being equally authentic.

For Georgia:

(Signed) E. SHEVARDNADZE
President of Georgia

For the Azerbaijani Republic:

(Signed) H. ALIYEV
President of the Azerbaijani Republic

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/90
29 March 1996
ENGLISH
ORIGINAL: SPANISH

Fifty-first session
Items 45, 97 (g), 106, 107,
109, 111 and 113 of the
preliminary list*

IMPLEMENTATION OF THE OUTCOME OF THE WORLD SUMMIT FOR SOCIAL DEVELOPMENT

SUSTAINABLE DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION: IMPLEMENTATION OF THE PROGRAMME OF ACTION OF THE INTERNATIONAL CONFERENCE ON POPULATION AND DEVELOPMENT

ADVANCEMENT OF WOMEN

IMPLEMENTATION OF THE OUTCOME OF THE FOURTH WORLD CONFERENCE ON WOMEN

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

HUMAN RIGHTS QUESTIONS

Letter dated 27 March 1996 from the Permanent Representative of Mexico to the United Nations addressed to the Secretary-General

I enclose herewith the text of a joint communiqué issued on 14 March 1996 in the town of Puebla, Mexico, at the close of the Regional Conference on Migration. As you can see from the enclosed document, the participants were the Governments of Belize, Canada, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States of America.

* A/51/50.

96-07748 (E) 020496 030496 040496

/...

Given the importance of migration in the activities of our Organization, I venture to request that the enclosed document be circulated as a document of the General Assembly under items 45, 97 (g), 106, 107, 109, 111 and 113 of the preliminary list.

(Signed) Manuel TELLO
Permanent Representative

ANNEX

Regional Conference on Migration

Joint Communiqué issued in Puebla on 14 March 1996

A Regional Conference on Migration was held on 13 and 14 March 1996 in Puebla, Mexico, with the participation of the Governments of Belize, Canada, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and the United States of America. After a useful and productive dialogue, the participating Governments issued the following joint communiqué.

The Governments recognized that the origins, manifestations and effects of migration, including refugee movements are important issues on the agenda of the international community. By and large, migration is beneficial and has potential advantages, both for the countries of origin and for the countries of destination; however, in order for these benefits to be realized migration must be orderly. Migration is a complex historical phenomenon. In recent years there has been an increase in large migratory flows due, in part, to asymmetries between different economies and labour markets and also due to political and social factors, natural disasters, environmental degradation, rapid population growth, trade and investment barriers and also to civil conflicts. The Governments therefore drew attention to the need for mutual cooperation in order to promote economic growth and employment in order to reduce poverty.

The Governments also recognized that each country perceives the causes, dimensions and consequences of migration in its own way. They agreed that a comprehensive, objective and long-term approach to the origins, manifestations and effects of migration in the region would contribute to a better understanding of the phenomenon, help counteract anti-immigrant attitudes and strengthen relations between participating States.

They also recognized the need to promote regional cooperation in order to attenuate the structural factors that give rise to migration in the region, without detriment to the bilateral cooperation programmes.

The Governments recognized the sovereign right and legitimate interest of each country to safeguard its boundaries and to enforce its own immigration laws, always observing strict respect for the human rights of the migrants, as defined in the Universal Declaration of Human Rights of 1948 and other relevant international instruments, irrespective of their nationality, race, age, religion, sex or immigration status.

The participating Governments agree to:

1. Expedite the development and adoption of a comprehensive, objective and long-term approach to the regional phenomenon of migration in order to address both its causes and its manifestations in an effective manner.

2. Promote a better understanding of the regional and international phenomenon of migration through specialized studies that will identify and

contribute to the implementation of measures to resolve the issues that prompt migration and that derive from it.

3. Promote the economic and social development of the region by encouraging trade and productive investment and by implementing economic and social policies as factors which, along with international cooperation, can help address some of the causes of migration.

4. Recognize that migration can make a positive economic and cultural contribution both to countries of origin and to countries of destination.

5. Condemn violations of the human rights of migrants and others, irrespective of their immigration status, and to strive to eliminate such violations. Particular attention will be given to the special needs of women and children, including their protection when appropriate.

6. Enhance public awareness of the human rights of migrants as a way of promoting respect for their dignity and counteracting anti-immigrant attitudes and eradicating illegal acts targeting immigrants.

7. Promote national cooperation and other forms of cooperation in order to establish programmes that will help meet the basic needs of undocumented migrants who are in the custody of immigration authorities in each country pending the determination of their immigration status.

8. Recognize and encourage the work of non-governmental organizations (NGOs), that develop programmes of assistance for migrants, as a supplement to Government efforts in this area.

9. Encourage States of the region, and in particular those with common borders, to promote consultation mechanisms on immigration matters and protection of the human rights of migrants with the participation of the authorities at various levels of government, law-enforcement officials and consular and diplomatic representatives of the countries.

10. Promote in the appropriate forums the exchange of information and experience regarding immigration labour issues.

11. Consider and, where appropriate, encourage consultations prior to the adoption of immigration measures which may affect countries in the region, particularly States with common borders, with full respect for the sovereignty of each State.

12. Establish an exchange of immigration legislation and procedures as a resource for use by countries of the region in analysing, reviewing and improving immigration laws and procedures.

13. Affirm the importance of taking steps to facilitate documented migration.

14. With full respect for the national sovereignty and territorial jurisdiction of each country, and within the context of juridical arrangements

established with other States, coordinate efforts to combat criminal organizations engaged in migrant trafficking. To that end, the Governments undertake to exchange timely information so as to give countries of the region a chance to adopt appropriate measures to combat networks and connections of migrant traffickers; and to exchange additional data to prevent and detect such criminal organizations.

15. Encourage the characterization, in the national legislation of States which have not done so, of trafficking in migrants as a criminal offence in order to help eradicate the organizations of traffickers operating in the region.

16. Promote better understanding, in order to raise society's awareness, of the harmful effects of migrant trafficking, by condemning the human degradation, indignities and abuses associated with this activity, through public information programmes as a means, among others, of helping to identify and implement measures designed to reduce and resolve the problems deriving therefrom.

17. Expand regional cooperation in the field of technical assistance and training so as to refine national systems for the investigation, handling of evidence and prosecution of traffickers in migrants.

18. Encourage the exchange of experience regarding the phenomenon of migration in appropriate multilateral forums and, where appropriate, further consultations with relevant international agencies.

19. Hold periodic consultations between countries in the region in order to advance cooperation on specific issues relating to migration. To that end, inter alia, sponsor meetings of immigration officials, using the experience of the work done by the Central American Commission for Migration (OCAM), and other regional coordination bodies.

20. Promote the exchange of information and regional cooperation aimed at technical assistance and human resources training in order to control the flow of undocumented migrants from outside the region.

21. Advance more effective mechanisms to combat the falsification and adulteration of immigration documents.

The Governments expressed satisfaction at the positive spirit and cooperation which characterized the debates. Participating delegations also thanked the Government of Mexico for organizing the Conference and recognized the need to continue the constructive dialogue on that important issue in order to strengthen regional cooperation on migration. Accordingly, the Governments decided to hold a meeting, at the technical level, in Mexico in the third quarter of the present year, in order to follow up and give effect to the agreements reached at this Conference. They also decided to have another meeting, at the political level, in the first few months of 1997, in Panama City, Republic of Panama, and to consider the possibility of inviting some South American States to that meeting as observers. To that end, the Government of

Panama is to request logistical support from the International Organization for Migration (IOM).

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/91
S/1996/238
3 April 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 1 April 1996 from the Permanent Representatives of Egypt and the United States of America to the United Nations addressed to the Secretary-General

We have the honour to enclose the text of the Co-Chairmen's statement of the Summit of Peacemakers adopted on 13 March 1996 at Sharm El Sheikh, Egypt. We ask that it be circulated as an official document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) Nabil A. ELARABY
Ambassador
Permanent Representative of
the Arab Republic of Egypt
to the United Nations

(Signed) Madeleine K. ALBRIGHT
Ambassador
Permanent Representative of
the United States of America
to the United Nations

* A/51/50.

96-08079 (E) 030496 040496

/...

ANNEX

Co-Chairmen's Statement of the Summit of Peacemakers, adopted on 13 March 1996 at Sharm El Sheikh, Egypt

The Summit of Peacemakers has just concluded. This meeting took place at a time when the peace process is confronting serious threats. The Summit had three fundamental objectives: to enhance the peace process, to promote security and to combat terror. Accordingly, the participants here today:

- Express their full support for the Middle East peace process and their determination that this process continue in order to accomplish a just, lasting and comprehensive peace in the region;

- Affirm their determination to promote security and stability and to prevent the enemies of peace from achieving their ultimate objective of destroying the real opportunity for peace in the Middle East;

- Re-emphasize their strong condemnation of all acts of terror in all its abhorrent forms, whatever its motivation, and whoever its perpetrator, including recent terrorist attacks in Israel, consider them alien to the moral and spiritual values shared by all the peoples of the region and reaffirm their intention to stand staunchly against all such acts, and to urge all Governments to join them in this condemnation and opposition.

To that end, we decided:

(a) To support the Israeli-Palestinian agreements, the continuation of the negotiating process and to politically and economically reinforce it, to enhance the security situation for both, with special attention to the current and pressing economic needs of the Palestinians;

(b) To support continuation of the negotiating process in order to achieve a comprehensive settlement;

(c) To work together to promote security and stability in the region by developing effective and practical means of cooperation and further assistance;

(d) To promote coordination of efforts to stop acts of terror on bilateral, regional and international levels; ensuring that instigators of such acts are brought to justice; supporting efforts by all parties to prevent their territories from being used for terrorist purposes; and preventing terrorist organizations from engaging in recruitment, supplying arms, or fund-raising;

(e) To exert maximum efforts to identify and determine the sources of financing for these groups and to cooperate in cutting them off, and by providing training, equipment and other forms of support to those taking steps against groups using violence and terror to undermine peace, security or stability;

(f) To form a working group, open to all Summit participants, to prepare recommendations on how best to implement the decisions contained in this statement, through ongoing work, and to report to the participants within 30 days.

President Bill CLINTON
United States of America
Co-Chairman

President Hosni MUBARAK
Arab Republic of Egypt
Co-Chairman

APPENDIX

List of participants

(in the order in which they addressed the Summit)

Co-Chairmen: Egypt and United States of America

1. Russian Federation
2. Israel
3. Palestine
4. Jordan
5. Morocco
6. Turkey
7. France
8. Secretary-General of the United Nations
9. Bahrain
10. Italy
11. Norway
12. Germany
13. Spain
14. United Kingdom of Great Britain and Northern Ireland
15. Ireland
16. Mauritania
17. Canada
18. Saudi Arabia
19. Kuwait
20. Yemen
21. Qatar
22. Oman
23. United Arab Emirates
24. Tunisia
25. Algeria
26. Japan
27. European Commission

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/92
S/1996/243
4 April 1996
ENGLISH
ORIGINAL: ARABIC/ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 3 April 1996 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government and further to our earlier letters concerning Israeli practices and repeated Israeli attacks in southern Lebanon and the western Bekaa, I have the honour to inform you of a series of Israeli attacks that occurred during the first half of March 1996:

4 March 1996

The southern hills of Mashgharah and the area outside Ayn al-Tinah came under Israeli artillery fire.

The outskirts of Tibnin, Ayta al-Jabal, Bra'shit, Shaqra, Majdal Silm, Qabrikha and Tulin came under Israeli artillery fire.

Israeli forces arrested Chief Inspector Hasan Ghusn of the Marj Uyun Police Department and took him to the Khiam detention centre.

6 March 1996

The southern quarter of Arabsalim was the target of sniping from the Israeli positions on Suwaida' Hill, resulting in the killing of Lebanese nationals Ali Muhammad As'ad Khattab, aged 28 years, and Ahmad Na'im Haydar, aged 59 years.

The villages of Kafra, Yatar, Haris and Tibnin came under Israeli artillery fire.

* A/51/50.

96-08270 (E) 080496 080496 090496

7 March 1996

At 0600 hours Israeli forces shelled the outskirts of Tibnin, Ayta al-Jabal, Haddatha, Bra'shit, Haris, Safad al-Battikh and Jumayjimah.

Israeli forces and Lahad forces shelled the outskirts of Mashgharah and Ayn al-Tinah.

At 1200 hours Israeli forces fired on fishing boats off the locality of Ma'liyah in Tyre.

At 2230 hours Israeli military aircraft overflew Mashgharah, Ayn al-Tinah and Maydun.

9 March 1996

The outskirts of Zawtar al-Sharqiyah, Zawtar al-Gharbiyah, Kafr Tibnit and Nabatiyah al-Fawqa and Nabatiyah came under Israeli artillery fire, which resulted in material damage to the church in Nabatiyah and to the home of Hasan Muhammad Harb, a 62-year-old Lebanese national.

10 March 1996

At 0600 hours the outskirts of Nabatiyah al-Fawqa, the abandoned barracks of the Lebanese army there and the outskirts of Kafr Tibnit, Zawtar al-Sharqiyah and Zawtar al-Gharbiyah came under Israeli artillery fire.

At 1100 hours Kafr Tibnit, Yatar, Haddatha, Haris, Ayta al-Jabal, Tibnin, Bra'shit and Shaqra came under Israeli artillery fire.

At 1430 hours the area around Ayn al-Tinah and the southern outskirts of Mashgharah came under artillery fire from Israeli positions and Lahad forces.

11 March 1996

At 0600 hours the outskirts of Bra'shit, Tibnin, Ayta al-Jabal, Haddatha and Haris came under Israeli artillery fire and Israeli helicopters combed the area. No casualties were reported.

The Israeli navy detained a fishing boat bearing the name Ilham I, No. 890. The following persons were on board: Mahmud Ahmad Al-Husayni, Wisam Abbas Tafla and Ashraf Hasan Nur al-Din.

At 1430 hours the outskirts of Jarju', Arabsalim and Ayn Bu Siwar, areas along the Zahrani river, the Mlita hills and Jabal Safi came under Israeli artillery fire.

12 March 1996

At 0840 hours the outskirts of Tibnin came under Israeli artillery fire.

13 March 1996

At 0545 hours Haddatha, Haris, Tibnin, Bra'shit, Kafra, Shaqra, Majdal Silm, Qabrikha and Tulin and the areas surrounding them came under Israeli artillery fire, with the result that two persons were wounded.

The eastern quarter of Kafr Rumman, residential quarters in Nabatiyah al-Fawqa and Nabatiyah al-Tahta and the southern quarter of Arabsalim came under Israeli artillery fire, resulting in injuries to Lebanese Army Private Khalid Uwayd, Fatima Nayif Ghandur, Batul Hasan Atawi, in Nabatiyah al-Fawqa, and Yusif Muhaydali, in Kafr Rumman, and damage to the model school and the teacher training college in Nabatiyah and to the homes of Sergeant Abd Al-Latif Al-Zayn, Jamila Ali Muzhir, Awatif Husayn Mudallaj, Mahmud Muhammad Abu Zayd, in Kafr Rumman, Yusif Muhammad Hammada and Muhammad Abd Allah Salama.

At 1140 hours Israeli military aircraft overflew the Tyre region.

At 1245 hours Israeli military aircraft overflew the Iqlim al-Tuffah region.

14 March 1996

At 1045 hours Tibnin and the outskirts of Bra'shit came under Israeli artillery fire.

At 1430 hours the Mlita hills, Jabal Safi and the outskirts of Jarju', Arabsalim and Ayn Bu Siwar came under Israeli artillery fire. This occurred again at 1530 hours on the same day, at which time it included Jabba', Ayn Bu Siwar, Ayn Qana, Kafr Fila and the surrounding areas.

At 1500 hours two Israeli helicopters overflew the Mashgharah and Ayn al-Tinah hills, which came under Israeli artillery fire.

15 March 1996

At 0530 hours the southern hills of Mashgharah and Ayn al-Tinah came under Israeli artillery fire.

At 1330 hours the outskirts of the village of Dayr Amis (Tyre) came under Israeli artillery fire.

At 2030 hours the artillery bombardment of the Mashgharah hills resumed.

The Lebanese Government strongly condemns these repeated Israeli attacks, which have brought death and injury to persons and caused enormous damage to property. It further condemns in the strongest terms the arbitrary practices against civilians.

In conjunction with the previous attacks, this new series constitutes flagrant aggression against the sovereignty and independence of Lebanon and represents a violation of international law and fundamental human rights.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under item 33 of the provisional agenda, and of the Security Council.

(Signed) Samir MOUBARAK
Ambassador
Permanent Representative

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/93
4 April 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 105 of the preliminary list*

INTERNATIONAL DRUG CONTROL

Letter dated 3 April 1996 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 12 March 1996 addressed to you by Mr. Ung Huot, Minister for Foreign Affairs and International Cooperation of the Kingdom of Cambodia, regarding the clarification of the Royal Government of Cambodia on the inclusion of Cambodia by President Bill Clinton of the United States of America in the United States list of major illicit drug producing and transit countries.

I should be deeply grateful if the said attached letter could be circulated as a document of the General Assembly, under item 105 of the preliminary list.

(Signed) SISOWATH Sirirath
Ambassador Extraordinary and
Plenipotentiary
Permanent Representative

* A/51/50.

96-08395 (E) 090496 100496

/...

ANNEX

Letter dated 12 March 1996 from the Minister for Foreign Affairs and International Cooperation of Cambodia to the Secretary-General

I have the honour to bring to your attention the following facts:

The Royal Government of Cambodia was taken by surprise and could not overcome its deep concern when President B. Clinton added Cambodia to the United States State Department's list of major illicit drug producing and drug transit countries on 23 February 1996.

In this regard, I wish to bring to your consideration the following clarifications:

1. Cambodia is neither a drug producer, nor a consumer, nor a trafficker country. It may be on a transit route, but Cambodia is a victim of this illegal traffic.

2. The Royal Government of Cambodia has been working hard to fight against drug transit through its territory despite its limited human and material resources. Cambodia has strengthened its counter-narcotics efforts and has fully cooperated with other countries, including the United States, and has taken adequate steps on its own to meet the stated narcotics goals and objectives of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. New regulations with severe punishments have been adopted. Newly formed and undertrained drug enforcement units, to their credit, have already made large seizures of heroin. They should be congratulated and encouraged, instead of using the seizures to give credit to allegations that the Government was involved in the traffic.

3. The problems of drug trafficking are of international and regional proportions and need international coordination. Countries like Cambodia need international support to meet the challenge. Consumer countries with plenty of means at their disposal should take adequate and serious domestic measures to reduce the level of drug consumption.

4. The Royal Government of Cambodia is very displeased and disappointed by its inclusion in the United States list of major illicit drug producing and drug transit countries. This act adversely affects Cambodia's international image and prestige, even though it was later certified and made clear that it had fully cooperated with the international community on this matter.

I should be most grateful to have this letter circulated as a document of the General Assembly.

(Signed) UNG Huot

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/94
8 April 1996
ENGLISH
ORIGINAL: SPANISH

Fifty-first session
Item 27 of the preliminary list*

NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Letter dated 27 March 1996 from the Permanent Representative of Bolivia to the United Nations addressed to the Secretary-General

I have the honour to enclose the text of the statement issued on 8 March 1996 by the States members of the Permanent Mechanism for Consultation and Policy Coordination - the Rio Group - concerning the so-called Helms-Burton Act.

In my capacity as Coordinator of the Rio Group in New York, I request that the statement annexed hereto should be circulated as an official document of the General Assembly under item 27 of the preliminary list.

(Signed) Edgar CAMACHO-OMISTE
Ambassador
Permanent Representative

* A/51/50.

96-08510 (E) 090496 090496 100496

/...

Annex

Statement concerning the legislative initiative of the United States, the so-called "Cuban Liberty and Democratic Solidarity Act"

With reference to the legislative initiative, the so-called "Cuban Liberty and Democratic Solidarity Act", known as the Helms-Burton Act, the States members of the Permanent Mechanism for Consultation and Policy Coordination - the Rio Group - have issued the following statement:

Recalling the statement of their Ministers for Foreign Affairs of 23 May 1995 and the 1995 Presidential statement issued at Quito, which condemned any attempt to establish sanctions or economic restrictions such as those envisaged in the so-called draft "Cuban Liberty and Democratic Solidarity Act - 1995",

The States members of the Rio Group most emphatically reject the adoption of that legislation, which violates the principles and rules of international law and of the Charters of the United Nations and of the Organization of American States, contravenes those of the World Trade Organization and is contrary to the spirit of friendship and cooperation which should characterize relations between countries in the hemisphere.

The States members of the Rio Group are concerned about the scope of the Act, which disregards the fundamental principle of respect for the sovereignty of States; its implementation signifies an extra-territorial application of internal law that is in opposition to public international law.

The countries of the Rio Group urge the Government of the United States to consider the negative effects of the implementation of the Act known as the "Cuban Liberty and Democratic Solidarity Act", which contravene the principles governing regional coexistence and the goal of the integration of the hemisphere.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/95
S/1996/251
8 April 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 20 of the preliminary list*
ADMISSION OF NEW MEMBERS TO
THE UNITED NATIONS

SECURITY COUNCIL
Fifty-first year

Letter dated 5 April 1996 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

On instructions from my Government, I wish to draw your attention to our concerns regarding the recent publication by the United Nations entitled "Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties". The section of that Summary entitled "Participation by succession" contains, in paragraph 297, language suggesting that the Federal Republic of Yugoslavia (Serbia and Montenegro) constitutes the continuation of the former Socialist Federal Republic of Yugoslavia. To the extent that the Summary could be so construed, we object to any such suggestion. We also note that the paragraph in fact contains no actual discussion of depositary practice as it relates to the Federal Republic of Yugoslavia (Serbia and Montenegro).

It has been the consistent position of my Government that the Socialist Federal Republic of Yugoslavia has ceased to exist and that no State represents the continuation of the Socialist Federal Republic of Yugoslavia. This position is fully consistent with relevant United Nations Security Council and General Assembly resolutions as well as with the opinions of the Arbitration Commission of the Conference for Peace in Yugoslavia.

In Security Council resolution 777 (1992) of 19 September 1992, the Council considered that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist", and the Council recalled its resolution 757 (1992) of 30 May 1992, in which it stated that "the claim by the Federal

* A/51/50.

Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted". In these circumstances, the Council considered that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations", and it recommended to the General Assembly that "it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations". In General Assembly resolution 47/1 of 22 September 1992, the Assembly responded to the Security Council's recommendation and decided that "the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations".

Recently, in Security Council resolution 1022 of 22 November 1995, the Council confirmed with regard to the State formerly known as the Socialist Federal Republic of Yugoslavia "that that State had ceased to exist".

Opinions rendered by the Arbitration Commission of the Conference for Peace in Yugoslavia also support the position that the Socialist Federal Republic of Yugoslavia has ceased to exist and that no State represents its continuation. In opinion number 8 of 4 July 1992, the Arbitration Commission concluded that "the process of dissolution of the Socialist Federal Republic of Yugoslavia ... is now complete and that the Socialist Federal Republic of Yugoslavia no longer exists". In opinion number 10 of the same date, the Arbitration Commission stated that "none of the resulting entities could claim to be the sole successor to the Socialist Federal Republic of Yugoslavia" and, specifically, that "the Federal Republic of Yugoslavia (Serbia and Montenegro) ... cannot be considered the sole successor to the Socialist Federal Republic of Yugoslavia".

Accordingly, in so far as the language in paragraph 297 of the Summary is inconsistent with the legal situation described, my Government wishes to make clear our firm objection. Our expression of views on this particular matter should not be understood as implying a position with respect to any other aspects of the Summary.

We should be grateful if you would have this letter circulated as a document of the General Assembly under agenda item 20 of the preliminary list and as a document of the Security Council.

(Signed) Madeleine K. ALBRIGHT

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/96
11 April 1996

ORIGINAL: ENGLISH

Fifty-first session
Item 87 of the preliminary list*

QUESTIONS RELATING TO INFORMATION

Letter dated 10 April 1996 from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the Sana'a Declaration on Promoting Independent and Pluralistic Arab Media, adopted at the Seminar held by the United Nations and the United Nations Educational, Scientific and Cultural Organization (UNESCO) at Sana'a from 7 to 11 January 1996.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under item 87 of the preliminary list.

(Signed) Abdalla S. AL-ASHTAL
Ambassador
Permanent Representative

* A/51/50.

96-09265 (E) 170496 180496

/...

Annex

[Original: Arabic, English and French]

THE SANA'A DECLARATION ON PROMOTING INDEPENDENT AND PLURALISTIC ARAB MEDIA

We, the participants in the United Nations/United Nations Educational, Scientific and Cultural Organization Seminar on Promoting Independent and Pluralistic Arab Media, held in Sana'a, Yemen, from 7 to 11 January 1996;

Bearing in mind Article 19 of the Universal Declaration of Human Rights, which states that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media, and regardless of frontiers";

Recalling United Nations General Assembly Resolution 59 (I) of 14 December 1946, which states that freedom of information is a fundamental human right, and General Assembly Resolution 45/76 A of 11 December 1990 on information in the service of humanity;

Recalling Resolution 104 adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at its twenty-fifth session in 1989, focusing on the promotion of "the free flow of ideas by word and image at international as well as national levels";

Recalling also resolution 4.3 adopted by the General Conference of UNESCO at its twenty-sixth session "recognizing that a free, pluralistic and independent press is an essential component of any democratic society", and inviting the Director-General "to extend to other regions of the world the action ... to encourage press freedom and to promote the independence and pluralism of the media";

Further recalling United Nations General Assembly decision of 20 December 1993 on the observance of World Press Freedom Day on 3 May;

Noting with satisfaction resolution 4.6 of the twenty-eighth session of the General Conference of UNESCO (1995), which stressed "the outstanding importance of", and endorsed, the Declarations adopted by the participants of the Seminars, held in Windhoek, Namibia (29 April - 3 May 1991), in Almaty, Kazakstan (5 - 9 October 1992), and in Santiago, Chile (2 - 6 May 1994), and which expressed its conviction that "the joint UNESCO/United Nations... regional Seminar on Promoting Independent and Pluralistic Arab Media to be held in Sana'a, Yemen in early 1996 will contribute to creating conditions that will enable pluralistic media to develop and participate effectively in the democratization and development processes in the Arab region;"

Stressing the growing role of the International Programme for the Development of Communication (IPDC) of UNESCO, whose Intergovernmental Council decided, at its February 1992 session, to give priority to projects which seek to reinforce independent and pluralistic media,

Noting the vital need and the importance of access by women to free expression and decision-making in the field of media;

Noting with appreciation the statements made at the opening of the Seminar by the United Nations Assistant Secretary General for Public Information on behalf of the Secretary General and the Assistant Director General for Communication, Information and Informatics of UNESCO on behalf of the Director General;

Expressing our sincere appreciation to the United Nations and UNESCO for organizing the Seminar,

Expressing also our sincere appreciation to all the intergovernmental, governmental and non-governmental bodies, organizations, agencies and foundations which contributed to the United Nations/UNESCO effort to organize the Seminar;

Expressing our gratitude to the Government, people, and media Organizations and professionals of the Republic of Yemen for their kind hospitality which facilitated the success of the Seminar

* * *

Fully support and express our commitment to the principles of the Declaration of Windhoek, acknowledging its crucial importance for promoting free, independent and pluralistic print and broadcast media in all regions of the world and *seek* practical application of the principles enshrined in this Declaration,

Welcome the world-wide trend towards democracy, freedom of expression and press freedom, *recognize* efforts by a number of Arab countries in this direction and *urge* all Arab states to participate in this historic process,

Believe that the advent of new information and communication technologies contributes to genuine cooperation, development, democracy and peace; *acknowledge*, however, that these technologies can be used to manipulate public opinion; and *note* that some governments do exploit the perceived threat of such technologies to justify curtailing of press freedom;

Deplore that, in the Arab World, journalists, publishers and other media practitioners continue to be victims of harassment, physical assault, threats, arrest, detention, torture, abduction, exile and murder. They are also subject to economic and political pressures, including dismissal, censorship, curbs on travel as well as passport withdrawals or visa denials. In addition to limitations on the free flow of news and information, and on the circulation of periodicals within countries and

across national borders, the media is also subject to restrictions in the use of newsprint and other professional equipment and material. Licensing systems and abusive controls limit the opportunity to publish or broadcast;

Believe that arrest and detention of journalists because of their professional activities are a grave violation of human rights and *urge* Arab governments that have jailed journalists for these reasons to release them immediately and unconditionally. Journalists who have had to leave their countries should be free to return and to resume their professional activities. Those who have been dismissed abusively should be allowed to regain their positions.

Declare that

Arab States should provide, and reinforce where they exist, constitutional and legal guarantees of freedom of expression and of press freedom and should abolish those laws and measures that limit the freedom of the press; government tendencies to draw limits/ "red lines" outside the purview of the law restrict these freedoms and are unacceptable;

The establishment of truly independent, representative associations, syndicates or trade unions of journalists, and associations of editors and publishers, is a matter of priority in those Arab countries where such bodies do not now exist. Any legal and administrative obstacles to the establishment of independent journalists' organizations should be removed. Where necessary, labour relations laws should be elaborated in accordance with international standards;

Sound journalistic practices are the most effective safeguard against governmental restrictions and pressures by special interest groups. Guidelines for journalistic standards are the concern of the news media professionals. Any attempt to set down standards and guidelines should come from the journalists themselves. Disputes involving the media and/or the media professionals in the exercise of their profession are a matter for the courts to decide, and such cases should be tried under civil and not criminal codes and procedures;

Journalists should be encouraged to create independent media enterprises owned, run and funded by the journalists themselves and supported, if necessary, by transparent endowments with guarantees that donors do not intervene in editorial policies;

International assistance in Arab countries should aim to develop print and electronic media, independent of governments in order to encourage pluralism as well as editorial independence. Public media should be supported and funded only when they are editorially independent and where a constitutional, effective freedom of information and expression and the independence of the press are guaranteed;

State-owned broadcasting and news agencies should be granted statutes of journalistic and editorial independence as open public service institutions. Creation of independent news agencies and private and/or community ownership of broadcasting media including in rural areas should also be encouraged;

Arab governments should cooperate with the United Nations and UNESCO, other governmental and non-governmental development agencies, organizations and professional associations, in order to:

(I) enact and/or revise laws with a view to: enforcing the rights to freedom of expression and press freedom and legally enforceable free access to information; eliminating monopoly controls over news and advertising; putting an end to all forms of social, economic or political discrimination in broadcasting, in the allocation of frequencies, in printing, in newspaper and magazine distribution and in newsprint production and allocation; abolishing all barriers to launching new publications and any form of discriminatory taxation;

(ii) initiate action to remove economic barriers to the establishment and operation of news media outlets, including restrictive import duties, tariffs and quotas for such things as newsprint, printing equipment, typesetting and word processing machinery and telecommunication equipment, and taxes on the sale of newspapers or other restrictions on the public's access to news media,

(iii) improve and expand training of journalists and managers, and other media practitioners, without discrimination, with a view to upgrading their professional standards, also by the establishment of new training centres in the countries where there are none, including Yemen

Seek the assistance of national, regional and international press freedom and media professional organizations and other relevant NGOs to establish national and regional networks aimed at monitoring and acting against violations of free expression, to create data banks and to provide advice and technical assistance in computerisation as well as in new information and communication technologies with the understanding that UNDP, IPDC and other development partners would consider these needs to be a major priority;

Request UNESCO National Commissions of the Arab States to help in organizing national and regional meetings to enhance press freedom and to encourage creation of independent media institutions.

The international community should contribute to the achievement and implementation of this Declaration.

This Declaration should be presented by the Secretary-General of the United Nations to the General Assembly, and by the Director-General of UNESCO to the General Conference, for follow-up and implementation.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/97
S/1996/265
11 April 1996
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-first session
Item 33 of the preliminary list*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-first year

Letter dated 10 April 1996 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General

As Chairman of the Arab Group for the month of April 1996, I have the honour to transmit to you herewith a copy of resolution 5542, entitled "The occupied Syrian Arab Golan", which was adopted by the Council of the League of Arab States at its one hundred and fifth regular session on 21 March 1996.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) Mohammad J. SAMHAN
Ambassador
Permanent Representative
Chairman of the Arab Group

* A/51/50.

96-09178 (E) 150496 170496 130496

/...

ANNEX

Resolution 5542, entitled "The occupied Syrian Arab Golan", as adopted by the Council of the League of Arab States at its one hundred and fifth session on 21 March 1996

A

The Council of the League of Arab States,

Having examined:

The note of the General Secretariat;

And the recommendation of the Political Affairs Committee,

Following with increased concern and apprehension the continued Israeli occupation of the Syrian Arab Golan, Israel's persistent refusal to implement the resolutions of the United Nations and to submit to the will of the international community, which considers the Israeli occupation and Israel's decision to annex the Syrian Arab Golan as null and void and lacking any legal validity,

Having carefully studied the situation in the occupied Syrian Arab Golan in the light of the practices of the Israeli occupation authorities in violation of the Charter of the United Nations, international treaties, interna onal law, the resolutions of the United Nations and developments in the peace process,

Recalling its previous resolutions as well as international resolutions affirming the inadmissibility of the acquisition of territory by force,

Decides

1. To reaffirm its resolution 4126 of 13 January 1982 and subsequent resolutions, the most recent being resolution 5493 of 21 September 1995, which provides that all measures adopted by the Israeli occupation authorities with a view to altering the juridical, natural and demographic situation in the occupied Syrian Arab Golan are to be rejected and that Israel's measures to extend its sovereignty over the occupied Syrian Arab Golan are to be considered as unlawful and null and void and as constituting a violation of international agreements, the Charter of the United Nations and United Nations resolutions, in particular Security Council resolution 497 (1981) and General Assembly resolution 50/32 B of 4 December 1995, which affirm, respectively, that the Israeli decision of 14 December 1981 annexing the occupied Syrian Arab Golan is unlawful and null and void and that the Knesset decision of 11 November 1991 to the same effect is null and void, has no validity whatever and constitutes a grave violation of Security Council resolution 497 (1981);

2. To call upon the co-sponsors of the peace process and the international community to assume their responsibility to require Israel to

comply with the applicable international resolutions calling for complete withdrawal from the occupied Syrian Arab Golan and to support Syria in its firm commitment to the achievement of a just and comprehensive peace in the region;

3. To support the resistance of the Syrian Arab residents of the area and stand by them in their opposition to Israel's occupation and repressive practices and their persistence in clinging to their land and their Syrian Arab identity; and to reaffirm the applicability of the 1949 Geneva Convention to the citizens of the occupied Syrian Arab Golan;

4. To appeal to the international community, and especially the co-sponsors of the Madrid Peace Conference on the Middle East, to prevail upon Israel to implement the United Nations resolutions on complete Israeli withdrawal from the Golan to the line of 4 June 1967 and from the occupied Arab territories;

5. To reaffirm the resolute support of the Arab States for Syria's just claim and its right to the return of all of the occupied Syrian Arab Golan, in accordance with the principles governing the peace process and the relevant United Nations resolutions.

B

The Council of the League of Arab States,

Expressing its deep concern at continuing attempts by Israel to defy the will of the international community and to have the Knesset adopt decisions reaffirming those decisions on annexations that the international community has declared to be null and void, in particular the approval by the Knesset on 13 March 1996, in first reading, of a bill that would confirm the annexation of the Golan,

Decides

1. To condemn the ongoing attempts in the Israeli Knesset to perpetuate the occupation of the Syrian Golan; and to regard these attempts as undermining the efforts being made for the success of the peace process and as being in defiance of the will of the international community and the resolutions of the United Nations, particularly Security Council resolution 497 (1981), which regards the Israeli measures relating to the Golan as null and void;

2. To call attention to the dangers inherent in these attempts, given that they reveal attitudes that are inimical to peace; and to call upon the co-sponsors of the peace process and the international community to take immediate action to halt these attempts and to save the peace process.

Resolution 5542
One hundred and fifth regular session
3rd meeting
21 March 1996

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/51/98
S/1996/270
11 April 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 86 of the preliminary list*
COMPREHENSIVE REVIEW OF THE WHOLE
QUESTION OF PEACE-KEEPING
OPERATIONS IN ALL THEIR ASPECTS

SECURITY COUNCIL
Fifty-first year

Letter dated 11 April 1996 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea published on 10 April 1996.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under item 86 of the preliminary list, and of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Representative

* A/51/50.

96-09203 (E) 160496

/...

ANNEX

Memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea - 10 April 1996

The United Nations is now at a historic juncture in reorienting itself to the post-cold-war era. In working out ways and means to meet the challenges of the future, the United Nations should not look away from the reality of the Korean peninsula, the only place where the cold war persists undiminished, but should rather settle a proper account with its past associated with the question of Korea.

The question of Korea is, in substance, a matter of Korea's reunification and of ensuring peace there. In recalling five decades of its activities, the Yearbook of the United Nations (special edition), recently published by the United Nations Secretariat, described the "election" staged in south Korea under United Nations "supervision" in 1948 and the military actions taken by the United Nations against the Democratic People's Republic of Korea in 1950 and the "achievements" of the United Nations, which is indeed a prejudice lacking impartiality and objectivity.

To help straighten out such a prejudice, the Ministry of Foreign Affairs of the Democratic People's Republic of Korea hereby issues the present memorandum.

I. THE UNITED NATIONS AND THE DIVISION OF KOREA

The United Nations was abused in dividing Korea. The Korean nation is a homogeneous nation which has lived with a single language and in a single territory for over 5,000 years. Korea is not a defeated nation of the Second World War.

For the sole reason that it was a colony of the Japanese imperialists, Korea was included in the operational zone of the Allied forces at the final stage of the Second World War, when the United States of America "persuaded" the then Soviet Union that "the United States forces should participate in disarming the Japanese forces stationed in Korea", and thereby divided Korea along the 38th parallel of north latitude "temporarily", placing the northern part of Korea under Soviet responsibility and the southern part under United States responsibility.

The Moscow Conference of Foreign Minsters of the Soviet Union, the United States and the United Kingdom of Great Britain and Northern Ireland, held in December 1945 after the defeat of the Japanese imperialists, adopted a decision to set up "a Korean democratic government" and, in order to assist its formation, to "establish a Joint Commission consisting of representatives of the United States command in southern Korea and the Soviet command in northern Korea". Thereafter, however, the United States insisted on the establishment of provisional legislatures separately in the north and the south of Korea before it finally brought the USSR/United States Joint Commission to the point of breakdown, and, in total disregard of the will of the Korean people to set up a

unified government by themselves, unilaterally brought the matter to the United Nations, which was under its influence at the time.

Led by the United States, the United Nations General Assembly put "The problem of the independence of Korea" on the agenda at its second session and adopted resolution 112 (II), calling for elections under the supervision of the "United Nations Temporary Commission on Korea". Pursuant to that resolution, Lieutenant General John Hodge, the commanding officer of the United States occupation forces, on 1 March 1948 issued a proclamation "that elections shall be held within the territory of this command" and forced a separate "election" on 10 May in the area south of the 38th parallel to install a pro-United States separatist regime.

It is in contravention of Articles 10 and 11 of the Charter of the United Nations on the mandate of the General Assembly, that the General Assembly, which was supposed to discuss only "questions relating to the maintenance of international peace and security", discussed the "problem of independence" of a country, or did not "refer to the Security Council" for its consideration "either before or after discussion" even if it regarded the question of Korea at that time as "relating to the maintenance of international peace and security".

General elections were held in August of that year, expressing the true will of the Korean people, with the participation of 85.2 per cent of all the Korean voters (99.97 per cent in the north and 77.52 per cent in the south), which resulted in the founding of the Democratic People's Republic of Korea on 9 September 1948. However, the United States engineered the adoption of resolution 195 (III) by the General Assembly at its third session in December of the same year, declaring that the "Republic of Korea" had the "jurisdiction" over the area south of the 38th parallel in which the separate election had been held. Thus, with the "help" of the United Nations, the division of Korea was institutionalized, and this was how the history of Korea's tragic national division began.

II. THE UNITED NATIONS AND THE KOREAN WAR

The United Nations was again abused with the outbreak of the Korean War. The forced division of the nation led to the build-up of tension and eventually to the conflict.

A number of different military provocations and armed intrusions into the area north of the 38th parallel had begun in 1947 and increased to as many as 2,517 incidents a year in 1949. The very paragraph 1 of Article 1, Chapter I, of the Charter on "adjustment or settlement of international disputes or situations which might lead to a breach of the peace", however, had never applied to the Korean peninsula, as a result of the tendency of the United Nations of the time to follow the United States and the symptom of the Security Council's functional paralysis, tied up as it was by the "vetoes" of its permanent members.

But then, on 13 January 1950, the representative of the Soviet Union, a permanent member of the Security Council, boycotted the Council meeting over the

representation of the "Republic of China", thus leaving the Soviet "veto power" in a vacuum until the end of July of that year. This cannot be construed as anything other than a prearranged scenario to ignite a full-scale war and to refer the "situation" to the Security Council at that time.

On 25 June, the Security Council met on the item entitled "Complaint of aggression upon the 'Republic of Korea'", brought up all of a sudden by the United States and "adopted", the same day, resolution 82 (1950), determining that "the armed attack on the Republic of Korea by forces from North Korea ... constitutes a breach of the peace". Two days later, on 27 June, the Security Council, on the same item, "adopted" resolution 83 (1950), recommending that the "Members of the United Nations" take immediate military steps; and on 7 July, 10 days later, "adopted" resolution 84 (1950), making the United Nations Members' forces "available to a unified command under the United States of America" recommending "the United States to designate the commander of such forces", and authorizing "the unified command at its discretion to use the United Nations flag".

Article 27, paragraph 3, of the Charter provides that the decisions of the Security Council on all matters except procedural ones require the "concurring votes" of the permanent members. The boycott of those Council meetings by the Soviet Union, a permanent member, can by no means be interpreted as a concurring vote. Furthermore, the fact that the Security Council hastily adopted those resolutions one after another without even inviting for its consideration the party against which the "complaint" had been lodged, not only constitutes a contravention of article 39 of the Council's provisional rules of procedure but reveals that it was a premeditated action.

The "steps" unjustly taken in that manner by the United Nations of the time under the strong-arm pressure of the United States did not help "halt the conflict and restore the peace" but instead brought on the most disastrous all-out war between the United States and the Democratic People's Republic of Korea which lasted for the next three years, and thereafter was followed by the world record of the 43-year-long touch-and-go state of armistice in the absence of any forthcoming assurance of peace.

The silence of the Yearbook of the United Nations on this point calls into question the impartiality and objectivity of the United Nations.

III. THE UNITED NATIONS AND THE "UNITED NATIONS COMMAND"

The United Nations is being abused, even today, in sustaining the cold war in the Korean peninsula. Here again, the Yearbook of the United Nations (special edition) has failed to refer to the continued existence of the "United Nations Command" in south Korea.

The "United Nations Command" is a military mechanism set up by the United States in July 1950 pursuant to the aforementioned Security Council resolution 84 (1950) to command the armed forces sent to the Korean War by the 15 United Nations Members, and the "party" that concluded the Korean Armistice Agreement

on 27 July 1953 with the Korean People's Army and the Chinese People's Volunteers, the other belligerent party.

Existing outside the United Nations, however, the "United Nations Command" has become nothing but a bogus instrument that only serves the purpose of camouflaging the real belligerent entity.

On 31 January 1951, the Security Council adopted resolution 90 (1951), deciding to delete from the agenda of the Council the item "Complaint of aggression upon the 'Republic of Korea'". The general practice of the Security Council would not allow any deletion of an item from its agenda until the Council's actions on the matter have been completed. The United Nations does not bear the expenses of the "United Nations Command", either.

On 18 November 1975, the General Assembly at its thirtieth session adopted resolution 3390 (XXX) A, expressing the hope that the discussions would be completed "in order that the United Nations Command may be dissolved on 1 January 1976 so that by that date no armed forces under the United Nations flag will remain in the South of Korea", and resolution 3390 (XXX) B, considering "that it is necessary to dissolve the 'United Nations Command' and withdraw all the foreign troops stationed in South Korea under the flag of the United Nations".

With regard to the authority over the "United Nations Command", the Secretary-General of the United Nations, in his letter of 24 June 1994 to the Minister for Foreign Affairs of the Democratic People's Republic of Korea, expressed the views that no principal organ of the United Nations, including the Secretary-General, can be the proper instance to decide on the continued existence or the dissolution of the United Nations Command. By paragraph 3 of resolution 84 (1950), the Security Council did not establish the unified command as a subsidiary organ under its control, but merely recommended the creation of such a command, specifying that it be under the authority of the United States. Therefore the dissolution of the unified command does not fall within the responsibility of any United Nations organ but is a matter within the competence of the Government of the United States.

The existence of such a "United Nations Command" today poses a legal impediment to the conversion of the current state of armistice into a durable peace to end the cold war in the Korean peninsula.

This shows that the real States parties to the Korean Armistice Agreement are both the Democratic People's Republic of Korea and the United States, even if the signatories are the Democratic People's Republic of Korea/People's Republic of China and the United Nations.

The commander of the "United Nations Command" was designated by the United States Government, while all the succeeding commanders have been exclusively United States officers. Traditionally, the commander of the "United Nations forces" has concurrently been the commander of the unified forces of the United States and the "Republic of Korea", who has the commanding authority over the entire armed forces of south Korea as well as the United States forces stationed in south Korea.

And the parties directly involved in the maintenance of the armistice mechanism have been the Democratic People's Republic of Korea and the United States as well.

Since 1958, no Members of the United Nations other than the United States have made any of their armed forces available to the "United Nations Command", whereas the Chinese People's Volunteers had previously completed their withdrawal. As revealed in the letter of the United States Government of 22 September 1975 to the Security Council, the "United Nations Command" of that time had already degenerated into a symbolic body with less than 300 staff and honour guards, playing the sole role of lending the helmets of the "United Nations forces" and the United Nations flag to the commander of the unified forces of the United States and the "Republic of Korea".

South Korea was neither a Member of the United Nations at the time nor has it been a party to the Korean Armistice Agreement. The south Korean authorities had been dead set against the cease-fire, and its military had refused even to sign the Korean Armistice Agreement. Moreover, the south Korean authorities have yet to assume the commanding authority over their own armed forces from the United States, which has assumed it since July 1950.

Either from the legal point of view or in terms of responsibility and competence, it becomes clear after all that the real party to the Korean Armistice Agreement is the United States Government, the responsibility of which, however, is being covered up by the signboard of the "United Nations Command" and the United Nations flag.

IV. THE OPTION FOR THE UNITED NATIONS

The United Nations is now becoming aware of its unsavoury past in having been misused on the question of Korea.

There would have been no such peaceful solution as noted with "satisfaction" by the Security Council on 4 November 1994 and a second Korean war would have broken out had the United Nations chosen to repeat its past by unilaterally imposing "sanctions" against the Democratic People's Republic of Korea when some elements opposed to the Democratic People's Republic of Korea on 11 May 1993 brought before the Security Council the nuclear issue on which tension had been mounting between the Democratic People's Republic of Korea and the United States.

The very fact that it was only the talks between the Democratic People's Republic of Korea and the United States that produced such a satisfactory solution to the nuclear issue on the Korean peninsula, clearly shows what choice the United Nations should make.

In order to help the United States to carry out its responsibilities and its role in ensuring peace in the Korean peninsula, the United Nations might just as well recommend the dissolution of the "United Nations Command" as it "recommended" its establishment to the United States back in 1950, or at least rescue its name and its flag from being misused by the United States. Doing so

would be the right way and a proper deed for the United Nations that may contribute to peace in the Korean peninsula.

Having put forward recently another proposal for the conclusion of an interim agreement as part of its consistent efforts towards peace on the Korean peninsula, the Democratic People's Republic of Korea is awaiting the United States response thereto.